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EXAMINER

FERTIG, BRIAN E

ART UNIT

PAPER NUMBER

3694

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/077,546	<b>Applicant(s)</b> LEEDS ET AL.	
	<b>Examiner</b> BRIAN FERTIG	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-19 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-19 and 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the amendment filed on 1/9/2008. Claims 1-4, 6-19, and 21-40 are pending and subject to final rejection as set forth below. Claims 1, 6, and 21 stand amended. Claims 39 and 40 are newly added.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-19, and 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 5,978,776 to Seretti (Seretti).

#### With respect to claims 1 and 21

Seretti teaches:

A method of managing assets for an entity, comprising:

providing an on-line internal trading community within the  
entity (i.e. vehicular data exchange system at a single  
dealership/dealership group, see col 3, line 65-col4, line 11);  
enabling the entity to form an on-line private trading  
community with authorized business partners (i.e. trading

community with selected dealerships, see col 4, lines 52-60 and col 6, lines 65-66, note that the discriminator and step 114 allows for only selected terminals to receive the information and thus be part of the on-line private trading community);

enabling the entity to participate in an on-line public marketplace (i.e. employing other dealerships or an automobile wholesaler, see col 1, lines 46-58 and col 7, lines 25-27);

listing, by the entity, select assets with the on-line internal trading community (i.e. step S110, see col 6, lines 56-61 and fig 5 and transmitting to single dealership/dealership group);

if those select assets listed with the on-line internal trading community are not redeployed as a result of said listing, then listing, by the entity, those select assets listed but not redeployed through the on-line internal trading community with the on-line private trading community or the on-line public marketplace (i.e. responding to other dealership requests for buy/appraisals, see col 6, lines 31-55 or employing a wholesaler, see col 1, lines 46-58 and col 7, lines 25-27);

allowing a user to view available assets listed on the on-line internal trading community, the on-line private trading community, and the on-line public marketplace (see col 4, lines 20-22, note that

the group able to see the listings is selective, see col 4, lines 52-60 and col 6, lines 65-66); and

providing workflow for automating aspects of executing a transaction through any one of the on-line internal trading community, the on-line private trading community, and the on-line public marketplace (see col 3, lines 20-35 and col 4, lines 52-60 and col 6, lines 65-66, note that the transmission and dissemination of vehicle information is automated).

With respect to claims 2 and 22

Seretti teaches:

wherein providing the on-line internal trading community comprises defining authorized users and roles of the users (see col 6, lines 65-66, note that the discriminator and step 114 allows for only selected terminals to receive the information and thus be part of the on-line private trading community).

With respect to claims 3 and 23

Seretti teaches:

wherein enabling the entity to form the on-line private trading community comprises participating in an on-line exchange (see col 6, lines 31-55, note that the information is exchanged online both via the vehicular data exchange and the telephone).

With respect to claims 4 and 24

Seretti teaches:

wherein enabling the entity to form the on-line private trading community comprises forming a business relationship with a broker of assets (see col 6, lines 31-55, note that a business relationship is formed with the other dealers through which the car might be sold among the dealers).

With respect to claims 6 and 25

Seretti teaches:

wherein allowing the entity user to view assets comprises providing a search capability for enabling a user to search for desired assets (see col 6, lines 11-55 and fig 3, note that the request effectively searches the inventory of participating dealers. The search results come in the form of responses for dealers through the Response to Request for Buy/Appraisal).

With respect to claims 7 and 26

Seretti teaches:

wherein providing the search capability comprises providing a capability of browsing through categories of assets (see col 4, line 52-col 5, line 7 and col 5, line 66-col 6, line 10, note that the results are made available to browse, note further that categories are browsed to the extent that users receive only vehicles in the category of those for which they have an interest, see also Fig 3 and 4, note that categories of General condition and Condition of Tires are also provided for).

With respect to claims 8 and 27

Seretti teaches:

wherein providing the search capability comprises providing a capability of searching by keyword (see fig 3, note the inclusion of Make, model, year, style, color Mileage, engine, etc are provided as word keys on which a search can be based).

With respect to claims 9 and 28

Seretti teaches:

wherein providing the search capability comprises providing a capability of tracking certain assets (see col 6, lines 31-55, note that the automobiles can be tracked in so far as calls can be placed to the appropriate dealership. See also fig 4, note that customer ID number, VIN, contact telephone number, etc are provided which enable tacking of the automobile).

With respect to claims 10 and 29

Seretti teaches:

wherein providing the search capability comprises providing a capability of being alerted when desired assets become listed in one of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace (i.e. via alarm device including audio or indicia alert, see col 6, lines 1-10).

With respect to claims 11 and 30

Seretti teaches:

wherein providing workflow comprises providing workflow for inspecting assets prior to listing the assets (see fig 4, note that the buy offer specifically includes an inspection clause. Implicitly, the buyer would inspect the automobile before purchasing it and listing it among his assets for sale at his dealership).

With respect to claims 12 and 31

Seretti teaches:

wherein providing workflow comprises providing workflow for procuring assets (see col 6, lines 11-55 and fig 3-4, note that the automated exchange of information includes an offer to buy the automobile).

With respect to claims 13 and 32

Seretti teaches:

wherein providing workflow comprises providing workflow for listing assets (see col 4, lines 42-51, note that in order to list the assets, the workflow dictates that they must be entered and then processed).

With respect to claims 14 and 33

Seretti teaches:

wherein providing workflow comprises providing an approval workflow for obtaining necessary authorizations within the entity (see col 4, lines 52-60 and col 6, lines 65-66, note that authorization must be provided to send and receive information at particular terminals in so far as the terminals to



which data is sent is selected as a part of the workflow and that only information regarding vehicles of interest are received).

With respect to claims 15 and 34

Seretti teaches:

further comprising categorizing assets being listed in at least one of the of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace (see col 4, line 52-col 5, line 7 and col 5, line 66-col 6, line 10, note further that categories are available to the extent that users receive only vehicles in the category of those for which they have an interest, see also Fig 3 and 4, note that categories of General condition and Condition of Tires are also provided for).

With respect to claim 16 and 35

Seretti teaches:

further comprising normalizing the categorization of the assets being listed in at least one of the of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace (see Fig 3 and 4, note that categories of General condition and Condition of Tires are normalized to the extent that they include particular levels – i.e. clean, average, rough, new, greater than 50%, less than 50% - as distinguished from a non-normalized category that would include a non-standardized, free-form comment field)

With respect to claims 17 and 36

Seretti teaches:

further comprising providing reporting functionality for enabling a user to manage use of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace (see col 4, line 52-col 5, line 7 and col 5, line 66-col 6, line 10, note that the discriminator capabilities are included in the reporting of vehicle data which allows for management of the vehicle data exchange system in so far as it allows for selective sending and reception of vehicle data).

With respect to claims 18 and 37

Seretti teaches:

further comprising integrating the on-line private trading community, the on-line internal trading community, and the on-line public marketplace with legacy systems (see col col 6, lines 31-55 and col 7, lines 20-27, note that the system is integrated both with the legacy wholesaler system, and with communication via telephone).

With respect to claims 19 and 38

Seretti teaches:

further enabling the entity to view details on assets listed in any of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace (see col 4, lines 20-22, and fig 3-4, note

that the assets are available for view when a dealer sends the data to the network).

With respect to claims 39 and 40

Seretti teaches:

wherein listing, by the entity, those select assets listed but not redeployed through the on-line internal trading community with the on-line private trading community or the on-line public marketplace further comprises delisting, by the entity, the select assets from the on-line internal trading community (see col 1, lines 45-58, note that the automobiles do not sell within a period of time they are normally removed to an auction, wholesaler, or with the assistance of Seretti's invention, to another dealer).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 6-19, and 21-38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/  
Primary Examiner, Art Unit 3694